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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,436	04/20/2004	Nobuaki Takamizu	0051-0227PUS1	2731
2292	7590	02/01/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			WHITE, RODNEY BARNETT	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	TAKAMIZU, NOBUAKI
Examiner	Art Unit
Rodney B. White	3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 11/24/04.  
2a) This action is FINAL.      2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1,2,5,12,13 and 16 is/are rejected.  
7) Claim(s) 3,4,6-11,14,15 and 17-22 is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Amendment***

Applicant's arguments filed 11/24/2004 have been fully considered but they are not persuasive.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-2, 5, 12-13, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Washizuka et al (U.S. Patent No.6,695,400).

Washizuka et al teaches a child car seat capable of being mounted on a stroller body including a front leg, a hand push rod, and an armrest, comprising a child car seat body to be fitted in the stroller body, a locking member disposed on the child car seat body, the locking member being engageable with the armrest of the stroller body, a locking/unlocking mechanism 238 34 or disposed on the locking member for locking the child car seat on the stroller body, and having a locking/unlocking lever, the locking/unlocking mechanism being unlocked and maintained in the unlocked state upon an operation of the locking/unlocking lever; and a fall prevention member connected to the locking member for preventing the child car seat from falling off the stroller body, wherein the fall prevention member extends downwardly from the locking member.

Claims 1-2, 5, 12-13, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Perego (U.S. Patent No.6,318,807).

Perego teaches a child car seat capable of being mounted on a stroller body including a front leg, a hand push rod, and an armrest, comprising a child car seat body to be fitted in the stroller body, a locking member disposed on the child car seat body the locking member being engageable with the armrest of the stroller body, a locking/unlocking mechanism or disposed on the locking member for locking the child car seat on the stroller body, and having a locking/unlocking lever, the locking/unlocking mechanism being unlocked and maintained in the unlocked state upon an operation of the locking/unlocking lever; and a fall prevention member connected to the locking member for preventing the child car seat from falling off the stroller body, wherein the fall prevention member extends downwardly from the locking member.

Claims 1-2, 5, 12-13, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Bapst et al (U.S. Patent No. 6,409,205).

Bapst et al teaches a child car seat capable of being mounted on a stroller body including a front leg, a hand push rod, and an armrest, comprising a child car seat body to be fitted in the stroller body, a locking member disposed on the child car seat body said locking member being engageable with the armrest of the stroller body, a locking/unlocking mechanism or disposed on the locking member for locking the child car seat on the stroller body, and having a locking/unlocking lever, the locking/unlocking mechanism being unlocked and maintained in the unlocked state upon an operation of

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the locking/unlocking lever; and a fall prevention connected to the locking member for preventing the child car seat from falling off the stroller body, wherein the fall prevention member extends downwardly from the locking member.

Claims 3-4, 6-11, 14-15, and 17-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Remarks**

The newly amended claims are now broader than they were prior to being amended because the structure that allows the locking member to engage the armrests and locking the child seat on the stroller body is actually a "fall prevention member for preventing the child car seat from falling off the stroller body." Perhaps the Applicant should have kept the language in Claim 1 as -- the fall prevention member is adapted to contact the stroller body -- and, more specifically, -- adapted to contact the front legs of the stroller body. Even then, it is not guaranteed to place the claims in better condition for allowance. Applicant's requirement of specific structure(s) and specific interaction between those structures further supports the fact that the Applicant should claim the entire combination of the stroller and child car seat because, as suggested in

the first office action, the structure, specifically the child seat, the locking member, and the fall prevention member are not going to work with all strollers, but would only work with a stroller like the one Applicant has provided. Currently the claims read as if the child car seat, locking member, and fall prevention member will work with any stroller and that is not true, since all strollers are not built like the one to which Applicant has attached his child car seat.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

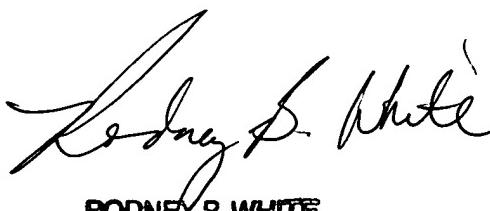
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (703) 308-2276. (This number will be (571) 272-6863 if the move to the new U.S. Patent and Trademark facility has been completed).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (703) 308-0827. (This number will be (571) 272-6856 if the move to the new U.S. Patent and Trademark facility has been completed). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,  
Patent Examiner  
Art Unit 3636  
January 28, 2005



RODNEY B. WHITE  
PRIMARY EXAMINER